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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MAPA, MICHAEL Y

ART UNIT

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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,931	Applicant(s) STEIN ET AL.	
	Examiner Michael Mapa	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27 and 29-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27 and 29-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The applicant has amended the following:

Claims: 27, 29-30, 33, 35, 37 - 46 have been amended.

Claim: 28 have been cancelled.

Claim: 47 have been added.

Claims: 31-32, 34, 36 have not been amended.

Response to Arguments

2. Applicant's arguments with respect to claims 27 and 29 – 47 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 46 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 46 is claiming a system claim that seems to be dependent from claim 41 which is an apparatus claim. If claim 46 is dependent from claim 41 then it fails to further limit the subject matter of the previous claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 46 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 46 is claiming a system claim that seems to be dependent from claim 41 which is an apparatus claim. The examiner is unsure as to the dependency of the claims. For the purpose of the examination and the rejection provided below, the examiner will interpret claim 46 as an independent claim not claiming dependency on claim 41.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 27 and 29 – 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kil et al. (US Patent Publication 2004/0196810 herein after

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referenced as Kil) in view of Beyette et al. (US Patent Publication 2004/0235518 herein after referenced as Beyette).

Regarding claim 27, Kil discloses “A method of supporting an incoming/outgoing mobile communication session in a combined communications network comprising a mobile network and a non-mobile access network” (**Paragraph [0042] of Kil**). Kil discloses “in said mobile network, said mobile communication session is associated with a mobile number” (**Paragraph [0105] of Kil**). Kil discloses “the method comprising: associating, in the non-mobile access network, said mobile number with a non-mobile device of said non-mobile network, wherein said non-mobile device being either a DECT- like device, or a fixed device” (**Fig. 1 & Paragraphs [0105] & [0237] of Kil**). Kil discloses “providing, at an access node between the non-mobile access network and the mobile network, an access device comprising a Digital Service Line Access Multiplexer (DSLAM) or an Optical Line Termination (OLT), the access device being in communication with non-mobile device in the non-mobile access network and with a controller of a mobile network so that the access device is recognized by the controller of the mobile network as another base station; the access device having a capability to perform functions of a base station with respect to at least one mobile number of said mobile network ” (**Fig. 1 & Paragraph [0055] of Kil**). Kil discloses “selectively conducting said mobile communication session via said access device either through a mobile device associated with said mobile number in the mobile

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network, or through the non-mobile device associated with said mobile number in the non-mobile network” (**Paragraph [0280] of Kil**).

Kil fails to explicitly recite “a plurality of non-mobile devices” and “and being operative to represent said non-mobile device of said plurality of non-mobile devices as having said mobile number.”

In a related field of endeavor, Beyette discloses “a plurality of non-mobile devices” and “and being operative to represent said non-mobile device of said plurality of non-mobile devices as having said mobile number” (**Paragraphs [0024] & [0026] of Beyette**).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Kil to incorporate the teachings of Beyette for the purpose of combining the features of wireless telephone service and landline telephones in the home without incurring high subscription costs (**Paragraph [0006] of Beyette**).

Regarding claim 29, Kil in view of Beyette discloses “The method according to Claim 27, further comprising setting defaults at said access device, for routing of communication sessions” (**Paragraph [0237] – [0238] of Kil**).

Regarding claim 30, Kil in view of Beyette discloses “The method according to Claim 27, further comprising providing the controller of the mobile network with a capability of giving preference to said access device for routing there-through the mobile communication session to said non-mobile device” (**Paragraph [0039] of Beyette**).

Regarding claim 31, Kil in view of Beyette discloses “The method according to Claim 27, comprising storing the mobile number in the access device with indicating association of said mobile number with the non-mobile device of said non-mobile network” **(Paragraph [0055] of Kil & Paragraph [0039] of Beyette).**

Regarding claim 32, Kil in view of Beyette discloses “The method according to Claim 27, wherein said mobile telephone number is a single number to both said mobile device and said non-mobile device” **(Paragraph [0237] – [0238] of Kil).**

Regarding claim 33, Kil in view of Beyette discloses “The method according to Claim 27, wherein the mobile device has the mobile number and the non- mobile device has a non-mobile number assigned in the access device, wherein said access device associates the mobile number and the non-mobile number with one another” **(Paragraph [0039] of Beyette).**

Regarding claim 34, Kil in view of Beyette discloses “The method according to Claim 27, comprising a step of transferring said communication session in progress from the non-mobile device to the mobile device, and vice versa” **(Paragraph [0038] of Beyette).**

Regarding claim 35, Kil discloses “A method of supporting a mobile communication session in a combined network comprising a mobile network, a non-mobile access network” **(Paragraph [0042] of Kil).** Kil discloses “and an access device placed there-between and comprising a Digital Service Line Access Multiplexer (DSLAM) or an Optical Line Termination (OLT), the access device being capable of

performing functions of a base station of the mobile network” (**Fig. 1 & Paragraph [0055] of Kil**).

Kil fails to explicitly recite “the method comprising re-routing, during said communication session, from a mobile device associated with the mobile network to a non-mobile device associated with the non-mobile network, or vice versa, wherein said mobile device and said non-mobile device are two separate devices.”

In a related field of endeavor, Beyette discloses “the method comprising re-routing, during said communication session, from a mobile device associated with the mobile network to a non-mobile device associated with the non-mobile network, or vice versa, wherein said mobile device and said non-mobile device are two separate devices” (**Paragraph [0038] of Beyette**).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Kil to incorporate the teachings of Beyette for the purpose of combining the features of wireless telephone service and landline telephones in the home without incurring high subscription costs (**Paragraph [0006] of Beyette**).

Regarding claim 36, Kil in view of Beyette discloses “The method according to Claim 35, wherein the step of rerouting is preceded by obtaining a suggestion to reroute the communication session” (**Paragraph [0038] of Beyette**).

Regarding claim 37, Kil in view of Beyette discloses “A method of supporting a mobile communication session in a combined communications network comprising a mobile network and a non-mobile access network” (**Paragraph [0042] of Kil**). Kil discloses “in said mobile network, said mobile communication session is associated

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with a mobile number” (**Paragraph [0105] of Kil**). Kil discloses “the method comprises: associating, in the non-mobile access network, said mobile number with a non-mobile device of said non-mobile network” ” (**Fig. 1 & Paragraphs [0105] & [0237] of Kil**). Kil discloses “providing, at an access node between the non-mobile network and a mobile network, an access device being in communication with a plurality of non-mobile devices and with a controller of said mobile network, the access device comprising a Digital Service Line Access Multiplexer (DSLAM) or an Optical Line Termination (OLT), being capable of performing functions of a base station of the mobile network and being operative to represent said non-mobile device as having said mobile number” (**Fig. 1 & Paragraphs [0055] & [0105] & [0237] of Kil**). Kil discloses “selectively conducting said mobile communication session either through a mobile device associated with said mobile number in the mobile network, or through the non-mobile device associated with said mobile number in the non-mobile network, wherein said mobile device and said non-mobile device are two separate devices” (**Paragraph [0237] of Kil**).

Kil fails to explicitly recite “a plurality of non-mobile devices.”

In a related field of endeavor, Beyette discloses “a plurality of non-mobile devices” (**Paragraphs [0024] of Beyette**).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Kil to incorporate the teachings of Beyette for the purpose of combining the features of wireless telephone service and landline telephones in the home without incurring high subscription costs (**Paragraph [0006] of Beyette**).

Regarding claim 38, Kil in view of Beyette discloses “The method according to Claim 36, wherein the suggestion of rerouting is applied from the mobile device or the non-mobile device presently not engaged with the communication session” (**Paragraph [0038] of Beyette**).

Regarding claim 39, Kil in view of Beyette discloses “The method according to Claim 36, wherein the step of obtaining the suggestion of rerouting is performed non-automatically and initiated by a user from the mobile device or the non-mobile device” (**Paragraph [0038] of Beyette**).

Regarding claim 40, Kil in view of Beyette discloses “The method according to Claim 35, wherein the step of rerouting is preceded by determining proximity of the mobile device to the non-mobile device” (Paragraphs [0279] – [0280] of Kil & Paragraph [0037] of Beyette).

Regarding claim 41, Kil discloses “An access device for serving a non-mobile access network comprising a DECT-like and/or fixed non-mobile device, for serving in a combined communications network comprising said non- mobile network and a mobile network, wherein the access device comprises a Digital Service Line Access Multiplexer (DSLAM) or an Optical Line Termination (OLT)” (**Fig. 1 & Paragraphs [0042] & [0055] of Kil**). Kil discloses “being adapted to communicate with a non-mobile device of the non-mobile network and with a controller of a mobile network” (**Fig.1 & Paragraphs [0237] of Kil**). Kil discloses “and wherein the access device is recognizable by the controller of the mobile network as another base station of the mobile network and is capable of performing, at least partially, functions of a base station of the mobile

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network for at least said mobile number of said mobile network by providing an option to conduct a mobile communications session, associated in said mobile network with said mobile number, through said non-mobile device” ” **(Fig. 1 & Paragraphs [0055] & [0105] & [0237] – [0238] of Kil).**

Kil fails to explicitly recite “a plurality of the non-mobile devices” and “and to represent at least one non-mobile device of said plurality of non-mobile devices as having a mobile number of the mobile network.”

In a related field of endeavor, Beyette discloses “a plurality of the non-mobile devices” and “and to represent at least one non-mobile device of said plurality of non-mobile devices as having a mobile number of the mobile network” **(Paragraphs [0024] & [0026] of Beyette).**

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Kil to incorporate the teachings of Beyette for the purpose of combining the features of wireless telephone service and landline telephones in the home without incurring high subscription costs **(Paragraph [0006] of Beyette).**

Regarding claim 42, Kil in view of Beyette discloses “The access device according to Claim 41, wherein the mobile number belonging to said mobile network is stored in said access device as a number that is associated with a non-mobile device connected to said non-mobile network, and wherein said non-mobile device is also associated with a non-mobile number” **(Paragraph [0039] of Beyette).**

Regarding claim 43, Kil in view of Beyette discloses “The access device according to claim 42, allowing said mobile communication session, being initially conducted through either said non-mobile device or a mobile device associated with said mobile number, to be continued by using the other of said mobile device or said non-mobile device, according to selection of a user” **(Paragraphs [0037] - [0038] of Beyette).**

Regarding claim 44, Kil in view of Beyette discloses “The access device according to claim 41, being connectable with said non-mobile access network and with the controller of said mobile network to enable digital communication” **(Fig. 1 & Paragraph [0055] of Kil).** Kil in view of Beyette discloses “being capable of converting communication protocols from at least one protocol used in said mobile network to at least one protocol used in said non-mobile network, and vice versa” **(Paragraph [0038] of Beyette).** Kil in view of Beyette discloses “being provided with a functional unit performing functions similar to that of a base station of said mobile network, including: enabling storing at the access device at least one said mobile number assigned to a mobile device, in association with at least one said non-mobile device” **(Fig. 1 & Paragraph [0055] of Kil & Paragraph [0039] of Beyette).** Kil in view of Beyette discloses “monitoring and processing signaling sessions and communications sessions associated with said mobile telephone number” **(Paragraph [0139] & [0152] of Kil).**

Regarding claim 45, Kil in view of Beyette discloses “The access device according to Claim 41, capable of indirectly determining proximity, to said non- mobile

device, of a mobile device associated with said mobile telephone number in the mobile network” **(Paragraph [0038] of Beyette).**

Regarding claim 46, Kil discloses “A system operative to support a communication session in a combined communications network” **(Paragraph [0042] of Kil).** Kil discloses “the system comprising at least one non-mobile-network connected to said access device and comprising at least one non-mobile device, and at least one mobile communications network associated with at least one mobile device and having a controller of the mobile network directly_connected to said access device and operative to establish digital communication with said access device” **(Fig. 9 & Paragraph [0055] of Kil).**

Kil in view of Beyette discloses “the system comprising at least one access device according to Claim 41” **(see arguments provided above for claim 41).**

Regarding claim 47, Kil in view of Beyette discloses “The access device according to claim 41, allowing said mobile communication session to be conducted via either said non-mobile device or a mobile device associated with said mobile number, according to selection of a user” **(Paragraphs [0037] - [0038] of Beyette).**

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Mapa/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617